IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UN	ITED STATES OF AMERICA,	0.4000000
	Plaintiff,	8:16CR298
	vs.	DETENTION ORDER
SCOTT WELLENSIEK,		
	Defendant.	
A.	Order For Detention After conducting a detention hearing purs Act on October 21, 2016, the Court or pursuant to 18 U.S.C. § 3142(e) and (i).	suant to 18 U.S.C. § 3142(f) of the Bail Reform ders the above-named defendant detained
B.	The Court orders the defendant's detent X By a preponderance of the even conditions will reasonably assure to the even conditions will reasonably assured to the even conditions will reasonable to the even condit	
C.	contained in the Pretrial Services Report X (1) Nature and circumstances of X (a) The crime: the receipt 18 U.S.C. § 2252A(a years imprisonment a and the access with ir violation of 18 U.S.C. § of ten years imprisonment. X (b) The offense is a crime (c) The offense involves a (d) The offense involves a (d) The offense involves a (e) The weight of the evidence a (formal factors: (a) General Factors: The defendant may affect who have defended and the access with ir violation of 18 U.S.C. § of ten years imprisonment. (b) The offense involves a formal factor invol	the offense charged: of child pornography (Counts I) in violation of)(2) carries a minimum sentence of fifteen nd a maximum of forty years imprisonment; ntent to view child pornography (Count II) in § 2252A(a)(5)(B) carries a minimum sentence nment and a maximum of twenty years of violence - See 18 U.S.C. § 3156(a)(4)(B). a narcotic drug. large amount of controlled substances, to wit: gainst the defendant is high.

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	(b)	At the time of the current arrest, the defendant was on: X Supervised Release - (8:13CR82 - Dist. Of NE)	
		Parole Release pending trial, sentence, appeal or completion sentence.	of
	(c)	Other Factors:	
		The defendant is an illegal alien and is subject deportation.	to
		The defendant is a legal alien and will be subject	to
		deportation if convicted. The Bureau of Immigration and Custom Enforcement	nt
		(BICE) has placed a detainer with the U.S. Marshal. Other:	
Χ	(4) The r	nature and seriousness of the danger posed by the defendan	ıt's
Λ	releas	se are as follows: The nature of the charges in the Indictment and t dant's criminal history.	
Χ	(5) Rebu	ttable Presumptions	
	In det	ermining that the defendant should be detained, the Court also reli	
		following rebuttable presumption(s) contained in 18 U.S.C. § 3142 the Court finds the defendant has not rebutted:	(e)
		That no condition or combination of conditions will reasonal	oly
	, ,	assure the appearance of the defendant as required and the safe	ety
		of any other person and the community because the Court finds the	nat
		the crime involves: X (1) A crime of violence - See 18 U.S.C. § 3156(a)(4)(B)	·or
		(1) A chine of violence - See 18 0.3.0. § 3130(a)(4)(b) (2) An offense for which the maximum penalty is I	
		imprisonment or death; or	
		(3) A controlled substance violation which has a maxim	านm
		penalty of 10 years or more; or (4) A felony after the defendant had been convicted of	two
		or more prior offenses described in (1) through	
		above, <u>and</u> the defendant has a prior conviction for o	né
		of the crimes mentioned in (1) through (3) above whi	ch
		is less than five years old and which was committ	ed
	(b)	while the defendant was on pretrial release. That no condition or combination of conditions will reasonal	alv
	(5)	assure the appearance of the defendant as required and the safe	
		of the community because the Court finds that there is probable	
		cause to believe:	
		(1) That the defendant has committed a controll	
		substance violation which has a maximum penalty 10 years or more.	OI
		(2) That the defendant has committed an offense unde	er 18
		U.S.C. § 924(c) (uses or carries a firearm during and	lin
		relation to any crime of violence, including a crime	
		violence, which provides for an enhanced punishme	
		if committed by the use of a deadly or dangero weapon or device).	us

D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

1. The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from

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- persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: October 21, 2016.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge